

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of:

Galipeau, et al.

Serial No.:

09/074,982

Filed:

May 8, 1998

For:

REAL-TIME DATA PROTECTION
SYSTEM AND METHOD

Examiner:

Pierre Eddy Elisca

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)
)
) Art Unit
) 2751
)
)
)
)

CERTIFICATE UNDER 37 C.F.R. § 3.73(b)

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

Assignee Legato Systems, Inc., a Delaware Corporation having a place of business at 3210 Porter Drive, Palo Alto, California 94304, in accordance with 37 C.F.R. § 3.73(b) certifies that it is the Assignee of the entire right, title and interest in the patent identified above by virtue of the chain of title from the inventors of the patent identified above, to the current assignee as shown below:

1. By Assignment from inventors, Kenneth J. Galipeau and Winston Edward Lee, to Qualix Group, Inc. (dba Fulltime Software, Inc.) The document was recorded in the Patent and Trademark Office at Reel 8915, and Frame 0425.

2. By Assignment from Qualix Group, Inc. (dba Fulltime Software, Inc.) to Legato Systems, Inc. A copy of the Assignment is attached.

The undersigned has reviewed all the documents in the chain of title of the patent identified above and, to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

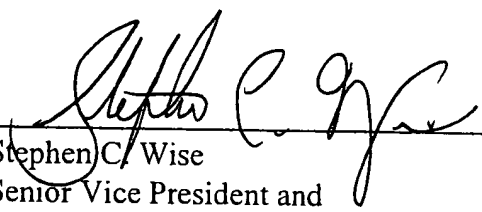
The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or patent issuing therefrom.

Legato Systems, Inc.

Dated: 12-14-99

Signature: _____


Stephen C. Wise
Senior Vice President and
Chief Financial Officer

RCG:kjb
G:\DATA\WPDOCS3\RCG\PATENT\14113571.CER
Docket No.: 14113.55

WHEN RECORDED RETURN TO:

WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

PATENT APPLICATION
DOCKET: 14113.57.1

ASSIGNMENT

Whereas, Qualix Group, Inc. (dba Fulltime Software, Inc.), a corporation of the State of Delaware, having a place of business at 3210 Porter Drive, Palo Alto, California 94304, is the owner of the entire right, title and interest in and to application for United States Letters Patent, Serial No. 09/074,982, filed May 8, 1998 in the name of Galipeau, et al. and the invention therein described; and

Whereas, Legato Systems, Inc., a corporation of the State of Delaware, having a place of business at 3210 Porter Drive, Palo Alto, California 94304, is desirous of acquiring the entire right, title and interest in and to the said invention within the United States of America and its territorial possessions and within the countries foreign to the United States and any United States or foreign Letters Patent that may be granted therefore; and in and to said application;

Now, Therefore, in consideration of the sum of One Dollar (\$1.00) paid by Legato Systems, Inc. to Qualix Group, Inc. and other good and valuable considerations, the receipt of which is hereby acknowledged, Qualix Group, Inc. has sold, assigned and transferred and by these presents does hereby sell, assign and transfer unto the said Legato Systems, Inc. the entire right, title and interest in and to the said invention within the United States of America and its territorial possessions and within all countries foreign to the United States and in and to any United States or foreign Letters Patent that may be granted therefore and in and to the said application and in and to any and all divisions, reissues, continuations and extensions thereof and in and to any Letters Patent that may be granted thereon, all said rights to be held and enjoyed by Legato Systems, Inc. for its

1000 EAGLE GATE TOWER
SALT LAKE CITY, UTAH 84111

[illegible]

[Signature page follows]

In Testimony Whereof, Qualix Group, Inc. has caused the hand of its proper representative to be
subscribed hereto this 21 day of December 1999.

QUALIX GROUP, INC. (dba FULLTIME
SOFTWARE, INC.)

By [Signature]
Name: STEPHEN C. WISE
Title: VICE PRESIDENT

STATE OF California)
: ss.
COUNTY OF San Jose

On _____, 1999, before me personally appeared _____,
_____ of said Qualix Group, Inc. known to me to be the person described and
who signed the foregoing Assignment in my presence and acknowledged under oath before me that
he has read the same and knows the contents thereof and that the same is true of his own
knowledge excepting as to matters therein alleged upon information and belief and as to those
matters he believes them to be true, and that he executed the same as his free act and deed and for
the purposes set forth therein.

NOTARY PUBLIC

Residing at _____

My Commission expires:

See Attached

**DECLARATION
AND POWER OF ATTORNEY**

As a below named inventor, I **h** declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

REAL-TIME DATA PROTECTION SYSTEM AND METHOD

☐ the specification of which is attached hereto.

☒ the specification was filed in the United States on June 9, 1995 as Application No. 08/489,198 *(for declaration not accompanying application)* with amendment(s) filed on _____ *(if applicable)*

☐ the specification was filed as PCT international application Serial No. _____ on _____ and was amended under PCT Article 19 on _____ *(if applicable)*

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED


POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianni (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodell (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), Samuel B. Abrams (Reg. No. 30605), Steven I. Wallach (Reg. No. 35402), and Marcia H. Sundeen (Reg. No. 30893), all of Pennie & Edmonds, whose addresses are 1155 Avenue of the Americas, New York, New York 10036, 1667 K Street N.W., Washington, DC 20006 and 2730 Sand Hill Road, Menlo Park, CA 94025, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

SEND CORRESPONDENCE TO: PENNIE & EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK, N.Y. 10036-2711

DIRECT TELEPHONE CALLS TO:
PENNIE & EDMONDS DOCKETING
(2) 790-2803

201	FULL NAME OF INVENTOR	LAST NAME Galipeau	FIRST NAME Kenneth	MIDDLE NAME J.	
	RESIDENCE & CITIZENSHIP	CITY Randolf	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 6 High Ridge Road	CITY Randolf	STATE OR COUNTRY New Jersey	ZIP CODE 07869
202	FULL NAME OF INVENTOR	LAST NAME Lee	FIRST NAME Winston	MIDDLE NAME Edward	
	RESIDENCE & CITIZENSHIP	CITY Somerset	STATE OR FOREIGN COUNTRY New Jersey	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET P.O. Box 2087	CITY East Millstone	STATE OR COUNTRY New Jersey	ZIP CODE 08875
203	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
204	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
205	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
206	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 Kenneth J. Galipeau	SIGNATURE OF INVENTOR 202  Winston E. Lee	SIGNATURE OF INVENTOR 203
DATE	DATE 11/10/95	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE

**DECLARATION
AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

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EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
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NEW YORK, N.Y. 10036-2711

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PENNIE & EDMONDS DOCKETING
(212) 790-2803

201	FULL NAME OF INVENTOR	LAST NAME Galipeau	FIRST NAME Kenneth	MIDDLE NAME J.
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202	FULL NAME OF INVENTOR	LAST NAME Lee	FIRST NAME Winston	MIDDLE NAME Edward
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	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
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	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
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	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY
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	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 <i>Kenneth J. Galipeau</i>	SIGNATURE OF INVENTOR 202 Winston E. Lee	SIGNATURE OF INVENTOR 203
DATE 10/10/1995	DATE	DATE
SIGNATURE OF INVENTOR 204	SIGNATURE OF INVENTOR 205	SIGNATURE OF INVENTOR 206
DATE	DATE	DATE



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231



101270357A

APRIL 21, 2000

PTAS

RICHARD C. GILMORE
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 02/18/2000

REEL/FRAME: 010552/0059
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

QUALIX GROUP, INC. (DBA FULLTIME
SOFTWARE, INC.)

DOC DATE: 12/21/1999

ASSIGNEE:

LEGATO SYSTEMS, INC.
3210 PORTER DRIVE
PALO ALTO, CALIFORNIA 94304

SERIAL NUMBER: 09074982

FILING DATE: 05/08/1998

PATENT NUMBER:

ISSUE DATE:

SHAREILL COLES, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

02-18-2000

cket No.: 14113.57.1

U.S. DEPARTMENT OF COMMERCE
Patent and Trademark Office

Tab settings → → → ▼



101270357

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Qualix Group, Inc. (dba Fulltime Software, Inc.)

2. Name and address of receiving party(ies):

Name: Legato Systems, Inc.

Address: 3210 Porter Drive

Additional names(s) of conveying party(ies)

☐ Yes ☒ No

3. Nature of conveyance:

☒ Assignment

☐ Merger

☐ Security Agreement

☐ Change of Name

☐ Other

City: Palo Alto

State/Prov.: CA

Country: USA

ZIP: 94304

Execution Date: December 21, 1999

Additional name(s) & address(es)

☐ Yes ☒ No

4. Application number(s) or registration numbers(s):

If this document is being filed together with a new application, the execution date of the application is:

Patent Application No.

Filing date

B. Patent No.(s)

09/074,982

May 8, 1998

Additional numbers

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Richard C. Gilmore

Registration No. 37,335

Address: 1000 Eagle Gate Tower

60 East South Temple

City: Salt Lake City

State/Prov.: UT

Country: USA

ZIP: 84111

6. Total number of applications and patents involved:

1

7. Total fee (37 CFR 3.41):.....\$ 40.00

☒ Enclosed - Any excess or insufficiency should be credited or debited to deposit account

☐ Authorized to be charged to deposit account

8. Deposit account number:

23-3178

02/17/2000 110111 00000184 03074302

DO NOT USE THIS SPACE

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(40.00 DP)

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard C. Gilmore

January 23, 2000

Name of Person Signing

Signature

Date

5

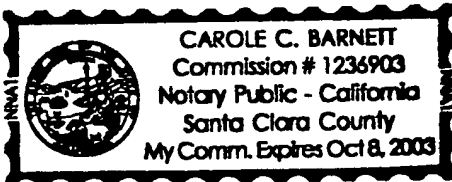
Total number of pages including cover sheet, attachments, and

JURAT WITH AFFIANT STATEMENT

State of California
County of Santa Clara } ss.

- ☒ See Attached Document (Notary to cross out lines 1 – 11 below)
☐ See Statement Below (Lines 1 – 11 to be completed only by document signer[s], *not* the Notary)

1 _____
2 _____
3 _____
4 _____
5 _____
6 _____
7 _____
8 _____
9 _____
10 _____
11 _____
Signature of Document Signer No. 1 [Signature] Signature of Document Signer No. 2 (if any) _____



Subscribed and sworn to (or affirmed) before me
this 21 day of December, 1999, by
Date Month Year
(1) Stephen C. Wise
Name of Signer
(2) _____
Name of Signer

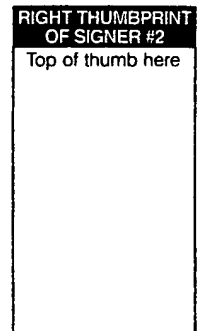
Carole C. Barnett
Signature of Notary Public

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Further Description of Any Attached Document

Title or Type of Document: Assignment of Patent
Document Date: 12/21/99 Number of Pages: 3
Signer(s) Other Than Named Above: N/A



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent of:)
Galipeau, et al.)
Serial No.: 09/074,982)
Filed: May 8, 1998) Art Unit
For: REAL-TIME DATA PROTECTION) 2751
SYSTEM AND METHOD)
Examiner: Pierre Eddy Elisca)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION
AND
REVOCATION AND POWER OF ATTORNEY

Assistant Commissioner for Patents
Washington, D. C. 20231

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). Specifically, the undersigned is an officer of the Assignee and has authority to sign on behalf of the Assignee. The entire chain of title of this invention from the Inventor(s) to the Assignee is set forth in the accompanying Certificate Under 37 C.F.R. § 3.73(b).

The Assignee of the entire interest of the above-identified application hereby revokes all previous powers of attorney in the above-identified application, and now hereby appoints: RICK D. NYDEGGER, Registration No. 28,651; DAVID O. SEELEY, Registration No. 30,148; JONATHAN

W. RICHARDS, Registration No. 29,843; JOHN C. STRINGHAM, Registration No. 40,831; BRADLEY K. DeSANDRO, Registration No. 34,521; JOHN M. GUYNN, Registration No. 36,153; CHARLES L. ROBERTS, Registration No. 32,434; GREGORY M. TAYLOR, Registration No. 34,263; DANA L. TANGREN, Registration No. 37,246; KEVIN B. LAURENCE, Registration No. 38,219; ERIC L. MASCHOFF, Registration No. 36,596; C. J. VEVERKA, Registration No. 40,858; ROBYN L. PHILLIPS, Registration No. 39,330; RICHARD C. GILMORE, Registration No. 37,335; DAVID B. DELLENBACH, Registration No. 39,166; JOHN N. GREAVES, Registration No. 40,362; KEVIN K. JOHANSON, Registration No. 38,506; DAVID L. GRIFFIN, Registration No. 44,136; R. BURNS ISRAELSEN, Registration No. 42,685; DAVID R. TODD, Registration No. 41,348; JESÚS JUANÓS i TIMONEDA, Registration No. 43,332; STEPHEN D. PRODNUK, Registration No. 43,020; R. PARRISH FREEMAN, JR., Registration No. 42,556; ADRIAN J. LEE, Registration No. 42,785; and KYLE H. FLINDT, Registration No. 42,539, of WORKMAN, NYDEGGER & SEELEY, 1000 Eagle Gate Tower, 60 East South Temple, Salt Lake City, Utah 84111, with full power of substitution and revocation, to prosecute said application, to make alterations and amendments therein, to receive the Letters Patent, and to transact all business in the Patent and Trademark Office connected therewith.

Stephen C. Wise, Senior Vice President and Chief Financial Officer of Legato Systems, Inc., further declares that all statements made herein of his own knowledge are true; and further that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful, false statements may jeopardize the validity of the application or any patent issuing thereon.

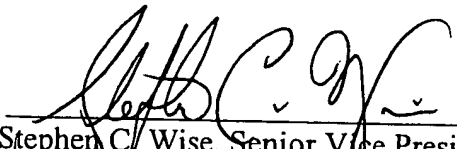
All correspondence and telephonic communications should be directed to:

Richard C. Gilmore
WORKMAN, NYDEGGER & SEELEY
1000 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111
Telephone (801) 533-9800
Facsimile (801) 328-1707

All previous powers of attorney are hereby revoked.

Signed at Palo Alto, California, this 14th day of December,

1999.



Stephen C. Wise, Senior Vice President
and Chief Financial Officer
Legato Systems, Inc.
3210 Porter Drive
Palo Alto, CA 94304

G:\DATA\WPDOCS3\RCG\PATENT\14113571.REV

FOOTNOTES